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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,434	02/18/2000	Ravi Acharya	47004.000059	8248
21967	7590	09/08/2004	EXAMINER	
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			COLBERT, ELLA	
		ART UNIT	PAPER NUMBER	
		3624		
DATE MAILED: 09/08/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/506,434	ACHARYA ET AL. <i>MW</i>	
<b>Examiner</b>	<b>Art Unit</b>	3624	
Ella Colbert			

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 20 May 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,4,10,11,13,15,17,21 and 50-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,4,10,11,13,15,17,21 and 50-59 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

1. Claims 1, 10 11, 13, 15, 17, 21, and 50-59 are pending in this communication filed 05/20/04 as Amendment After Miscellaneous Communication After Filing of an RCE on 11/06/03.
2. The Request for Continued Examination filed 11/06/03 is hereby acknowledged and has been entered. The claim amendments After Final Rejection filed 01/07/03 and re-filed 03/11/03 were entered 06/11/03 and will be examined on the merits since they are now in compliance with the "Revised Amendment Practice Rule Effective July 30, 2003".

***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/06/03 has been entered.

***Specification***

5. The abstract of the disclosure is objected to because in the figure descriptions the description is not in agreement with Applicants' drawing labels. Fig. 1 the Specification references "clearinghouses 131", "Federal reserve banks 133", "local paying banks 134", and non-paying banks 133". The drawing figure labels "CLEARING HOUSE 131", "FEDERAL RESERVE BANK 132", "LOCAL PAYING BANK 134", and

"NON-LOCAL PAYING BANK 133". Figure 2 and Figure 3 have a similar problem.

Figure 2 in the Specification references "receive check 200", "log on to BOFD system 210", "enter requested information 230". "missing information 240", "submit transaction to BOFD for processing 250", "receive response 270", and "check actions 280". The drawing labels "PAPER CHECK 200". "LOG ON TO BANK SYSTEM 210", "ENTER REQUESTED DATA 230", "SUBMIT TRANSACTION TO BANK FOR PROCESSING 250", "RECEIVE RESULTS OF DEPOSIT TRANSACTION FROM BANK 270", and "CHECK ACTION 280". Figure 3 in the Specification references "log on request 300", "security function 305", "terminate process 310", "receive transaction 315", "make decision 345", and "format ECP transaction 360". The drawing labels "RECEIVE LOGON REQUEST 300", "AUTHORIZED USER? 305", "TERMINATE TRANSACTION 310", "RECEIVE TRANSACTION DATA FOR CHECK DEPOSIT 315", "TYPE OF TRANSACTION? 345", and "PREPARE ECP TRANSACTION 360". The Specification and drawing labels should be in agreement. It is also noted that in some parts of the Specification "data" is referenced and in other parts of the Specification "information" is referenced. This should be consistent throughout the Specification. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 15 reads “receiving a result of the transaction for each check.” It is vague and unclear who or what receives a result of the transaction for a check. Does the customer receive the result of the transaction for a check or does the banking system receive a result of the transaction of a check? It is respectfully requested Applicants’ clarify in the claim language this claim limitation.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 4, 10, 11, 13, 50-54, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 819,236) Josephson in view of (US 5,751,842) Riach et al, hereafter Riach.

As a preliminary matter, Applicants’ are respectfully requested to add a computer to the preamble of claims 15, 21, 55, and 59 to show that the method is performed using a computer. Example: Claims 15, 21, 55, and 59 “A computerized method for allowing a bank customer ..., comprising:”.

As a preliminary matter, claims 15, 21, 55, and 59 are lacking a computer to perform the method steps. Suggestion: claim 15, A computerized method for allowing a bank customer to deposit ..., comprising:”.

As per claim 1, Josephson teaches, A system for depositing the value associated with conventional checks into the bank account of a customer payee comprising:

an interface to a customer terminal, the customer terminal being located remotely from a bank (col. 6, lines 52-67 and fig. 1 –shows an interface to a terminal remotely located from a bank); an automated banking system connected to the customer terminal interface via a communication link, the automated banking system being located remotely from the customer terminal interface (col. 7, lines 1-51, fig. 2, fig. 3, and fig. 5 – shows the steps of depositing a check and sending through a banking system) and an interface to a check clearing system, the check clearing system connected to the automated banking system via a communication link, the check clearing system being located remotely from the automated banking system (col. 7, line 52- col. 8, line 29). Josephson failed to teach, wherein the automated banking system is configured such that information from a conventional check is entered into the customer terminal, and wherein the automated banking system and check clearing system are configured to effectuate deposit of the discrete value of each check into an account of the customer payee. Riach teaches, wherein the automated banking system is configured such that information from a conventional check is entered into the customer terminal (col. 4, lines 39-47- the customer enters information from the check into the customer terminal using the keyboard 14), and wherein the automated banking system and check clearing system are configured to effectuate deposit of the discrete value of each check into an account of the customer payee (col. 4, lines 39-47- a funds transfer operation is effected when the value of the check is transferred from the payer's account to the payee's account and this process includes the check clearing process). It would have been obvious to one having ordinary skill in the art at the time the invention was made

to have the automated banking system is configured such that information from a conventional check is entered into the customer terminal, and wherein the automated banking system and check clearing system are configured to effectuate deposit of the discrete value of each check into an account of the customer payee and to modify in Josephson because such a modification would allow Josephson to have a funds transfer operation that is effected wherein the value of the cheque is transferred from the payer's account to the payee's account.

As per claim 4, Josephson teaches, The system of claim 1, wherein the remote customer terminal comprises a personal computer (col. 6, lines 52-65 and fig. 1).

As per claim 10, Josephson teaches, The system of claim 1, wherein the remote customer terminal comprises a digital image scanner for data entry (col. 4, lines 3-23).

As per claim 11, Josephson teaches, The system of claim 10, wherein the digital image scanner comprises optical recognition software to convert machine printed characters to electronic text (col. 4, lines 47-55).

As per claim 13, Josephson teaches, The system of claim 1, wherein the remote customer terminal comprises a printer for printing receipts or marking checks (fig. 1 (160) shows a printer used for printing receipts or marking checks).

As per claim 50, this independent claim is rejected for the similar rationale as given above for claim 1.

As per claim 51, this dependent claim is rejected for the similar rationale as given above for claim 4.

As per claim 52, this dependent claim is rejected for the similar rationale as given above for claim 10.

As per claim 53, this dependent claim is rejected for the similar rationale as given above for claim 11.

As per claim 54, this dependent claim is rejected for the similar rationale as given above for claim 13.

As per claim 56, this dependent claim is rejected for the similar rationale as given above for claim 11.

10. Claims 15, 17, 55, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,819,236) Josephson in view of (US 5,933,816) Zeanah et al, hereafter Zeanah.

As per claim 15, A method for allowing a bank customer to deposit the value of conventional checks into a bank account from a location that is remotely situated with respect to a bank comprising: Josephson teaches, (a) receiving conventional checks payable to a bank customer payee (col. 8, lines 1-11); and entering transaction data into the customer terminal (col. 6, lines 61-65, col. 8, lines 6-11, and fig. 1 (130- a keyboard for entering transaction data)); (d) processing the discrete value of each check for deposit by the automated banking system (col. 8, lines 12-29); and (e) receiving a result of the transaction for each check (col. 8, lines 34-40 and lines 49-57).

Josephson failed to teach, logging the bank customer payee onto an automated banking system from a customer terminal that is remotely situated with respect to a bank, and the automated banking system.

Zeanh teaches, (b) logging the bank customer payee onto an automated banking system from a customer terminal that is remotely situated with respect to a bank, and the automated banking system (col. 20, lines 29-39). It would have been obvious to one having ordinary skill in the art at the time the invention was made to log the bank customer payee onto an automated banking system from a customer terminal that is remotely situated with respect to a bank and the automated banking system and to modify in Josephson because such a modification would allow Josephson to have a secure customer terminal for transacting business in an automated banking system.

As per claim 17, Josephson teaches, The method of claim 15 wherein the result of the transaction in step (e) comprises denial (col. 10, lines 17-25).

As per claim 55, this independent claim is rejected for the similar rationale as given above for claim 15.

As per claim 59, this independent claim is rejected for the similar rationale as given above for claims 1, 17, and 55

11. Claims 21, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,819,236) Josephson in view of (US 6,012,048) Gustin et al, Gustin.

As per claim 21, Joseph teaches, A method for allowing a bank to process check deposit transactions that are initiated by a bank customer at a remote location comprising: (a) receiving a request from a bank customer on a terminal that is remotely situated from a bank for authorization to make a transaction using an automated banking system, wherein the terminal is remotely situated from the automated banking system (col. 4, lines 56-65 and col. 5, lines 26-63 and fig. 1);

Josephson failed to (b) authorizing a bank customer payee as a user on the automated banking system; (c ) receiving transaction data related to the deposit of a conventional check payable to the bank customer, where the payor is someone other than the bank customer;

Gustin teaches, authorizing a bank customer payee as a user on the automated banking system (fig. 8 (300, 308, & 310), fig. 8A, and 8B –shows authorizing a customer payee as a user of the automated banking system)); (c ) receiving transaction data related to the deposit of a conventional check payable to the bank customer, where the payor is someone other than the bank customer (col. 12, lines 3-47, col. 19, line 56 – col. 20, line 63, Fig. 13 E, Fig. 13 F, fig. 20, fig. 20A, Fig. 20B, fig. 20C, Fig., 20E, and Fig. 20F); and (d) processing the transaction for the discrete value of each check (col. 20, line 44- col. 22, line 25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Josephson because such a modification would allow Josephson to have the payment accepted for each check for the amount of the face value (amount written on the face of the check).

As per claim 57, Josephson teaches, The method of claim 56, wherein entering transaction data into the customer terminal comprises scanning the checks using the digital image scanner (col. 4, lines 3-23).

As per claim 58, Josephson teaches, The method of claim 55, wherein the result of the transaction in (e) comprises a provisional credit to the associated demand deposit account (col. 10, lines 17-25).

***Response to Arguments***

12. Applicant's arguments with respect to claims 1, 4, 10, 11, 13, 15, 17, 21, and 50-59 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Hyde, Jr. (US 6,038,553) disclosed an automated self service for cashing checks without human intervention.

Schrupp (US 5,924,737) disclosed a postcard check which can be automatically processed by the U.S. Postal Service check clearinghouse.

Mason et al (WO 98/23448) disclosed an automated banking machine.

Slater et al (US 4,114,027) disclosed an automated banking system operable following a single customer card insertion.

Josephson (US 5,783,808) disclosed an electronic check presentment system.

**Inquiries**

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
E. Colbert  
September 7, 2004